

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-23. By the present response, claims 6, 9, 10 and 15 have been amended for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-23 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, the Applicants respectfully request reconsideration and allowance of all pending claims.

#### **Claim Objections**

The Examiner objected to claims 6, 9 and 15. Applicants acknowledge the Examiner's objection, and hereby amend claims 6, 9 and 15 as suggested by the Examiner. The Examiner's objection is now moot.

#### **Rejections Under 35 U.S.C. § 112**

Claim 9 was rejected under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. The Examiner objected to claim 9 for lack of antecedent basis. However, the Applicants believe that the Examiner intended to object to claim 10 for lack of antecedent basis. Accordingly, the Applicants hereby amend claim 10 to change the claim dependency from claim 1 to claim 9. Therefore, the Examiner's rejection is now moot.

#### **Rejections Under 35 U.S.C. § 102**

Claim 23 was rejected under U.S.C. §102(b) as being anticipated by Suzuki et al. (DE 4021997 A1, hereinafter "Suzuki"). Claim 23 was further rejected under U.S.C. §102(b) as being anticipated by Soda et al. (U.S. Patent No. 3,958,209, hereinafter "Soda").

***Means-plus-function language must be evaluated in accordance with 35 U.S.C. § 112, sixth paragraph.***

Applicants respectfully note that claim 23, which was rejected under 35 U.S.C. § 102 in view of the cited reference, includes means-plus-function language, as set forth in 35 U.S.C. § 112, paragraph 6, *and should be examined in accordance with this body of law*. As may be appreciated, with respect to 35 U.S.C. § 112, paragraph 6, an Examiner “may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.” *In re Donaldson Co.*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994); *see also* Manual of Patent Examining Procedure § 2181. Applicants note that proper interpretation of this claim must be performed with reference to the structure provided in the specification. Particularly, with regard to the “means for materially stabilizing a thermistor comprising Cr<sub>2</sub>O<sub>3</sub> and at least one stabilizing material” recitation of claim 23, Applicants’ specification discloses a shell 62 for performing the recited function. *See, e.g.*, Application, paragraph [0024]; FIG. 5 and paragraph [0025]; FIG. 6. The cited references both fail to teach or suggest the foregoing structure or equivalents. Moreover, the Office Action failed to establish a *prima facie* case of unpatentability *in accordance with* the relevant statutory and precedential authority outlined above. Consequently, Applicants respectfully submit that independent claim 23 is patentable over the cited references.

For at least these reasons among others, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

#### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 1-9, 11-18, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Ichikawa et al. (U.S. Patent No. 4,058,787, hereinafter “Ichikawa”) in

view of Kuzuoka et al. (U.S. Patent Application Publication No. 2002/0020949, hereinafter “Kuzuoka”). The Examiner further rejected claims 10, 19-20, and 22 under 35 U.S.C. §103(a) as being unpatentable over Ichikawa in view of Kuzuoka as applied to claims 1-9, 11-18 and 21-22 and further in view of Alles et al. (U.S. Patent No. 5,297,438, hereinafter “Alles”).

***Features of Independent Claims 1 and 11 Omitted from Cited References***

Independent claim 1 recites, *inter alia*, “A temperature measuring system comprising at least one thermistor coupled to the component and adapted to monitor temperature of the component, wherein the thermistor comprises a core-shell micro structure having a shell disposed about a core, the core comprising  $\text{Cr}_2\text{O}_3$  and the shell comprising a rare earth element compound.”

Independent claim 11 recites, *inter alia*, “A thermistor, comprising a thermistor body coupled to the plurality of electrical contacts, wherein the thermistor body comprises a core-shell microstructure having a shell disposed about a core, the shell comprising a rare earth element compound, the core comprising  $\text{Cr}_2\text{O}_3$ .”

The cited references, taken alone or in hypothetical combination, fail to teach or suggest “a core-shell micro structure having a shell disposed about a core” as recited by independent claims 1 and 11. In the Office Action, the Examiner admitted that Ichikawa fails to disclose a thermistor with a core-shell microstructure having a shell disposed about a core. The Examiner relied on Kuzuoka for this claim feature. However, Kuzuoka fails to obviate the deficiencies of Ichikawa. Instead, Kuzuoka discloses:

In a method of claim 8, a method of producing a thermistor element comprises mixing a raw material of said M with a raw material of said M' in said complex perovskite oxide  $(\text{MM}')\text{O}_3$ ; grinding the mixture to adjust an average particle diameter of the mixture after grinding to an average particle diameter which is not more than that of the raw material of said M before mixing and is

not more than 0.5  $\mu\text{m}$ ; calcining the ground mixture to obtain said complex perovskite oxide  $(\text{MM}')\text{O}_3$ ; mixing said  $(\text{MM}')\text{O}_3$  with said metallic oxide  $\text{AO}_x$ ; molding the mixture into an article having a predetermined shape; and sintering the article.

Kuzuoka et al., page 2, para [0027] (emphasis added).

Kuzuoka specifically teaches molding a mixture into an article having a predetermined shape. There is no mention of the thermistor having a core-shell microstructure with a shell disposed about a core. Alles also fails to teach or suggest a core-shell microstructure. In view of these deficiencies, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claims 1 and 11 and their dependent claims.

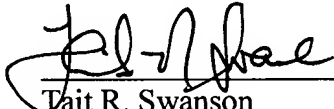
For at least these reasons among others, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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